IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6991 of 1991

For Approval and Signature:

Hon'ble MR.JUSTICE C.K.BUCH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

KANZARIA S K

Versus

CHIEF ADMINISTRATIVE OFFICER

Appearance:

MR PH PATHAK for Petitioners

MR DG CHAUHAN for Respondent No. 1, 2

CORAM : MR.JUSTICE C.K.BUCH

Date of decision: 13/10/2000

ORAL JUDGEMENT

1. Heard learned counsel for the parties. Further affidavit of Mr. S.D.Patel, the petitioner No.3 is tendered today with Annexures, and the same is taken on record.

2. Pursuant to the orders passed by this Court on 24th of August 2000, Mr. D.G.Chauhan, learned counsel appearing for the respondent board has stated that the facts placed before this Court by learned counsel appearing for the petitioner is not giving correct picture. According to Mr. Chauhan, petitioner No.1 Mr. S.K.Kanzaria, who is working as Tracer, has been given regular pay scale from the year 1993, and on completion of 10 years of service, respondent Board has granted a regular time scale, regularizing his services w.e.f. 15th August 1998. Therefore, it can be said that the claim of the petitioner No.1 is satisfied.

2.1 So far as the petitioner No.2 - Mr. P.B.Kateshiya is concerned, he has left the services of the respondent Board and has joined Rajkot Urban Development Authority [RUDA] since so many years, and therefore, the present petition qua the petitioner No.2 has become infructuous.

2.2 Mr. Chauhan has further submitted that the petitioner No.3 - Mr.Shailesh P. Patel, who is Technical Assistant, has completed 5 years of service, and his case for regular time scale is under consideration and he is hopeful that the respondent Board shall take appropriate decision at the earliest, preferably within a month or two. According to Mr. Chauhan, regularization of service of such employee is being made as per the policy laid down by the relevant circular dated 17th October 1988. Therefore, this petition can be disposed of by issuing appropriate directions qua the petitioner No.3.

3. Mr. Pathak, learned counsel for the petitioners has submitted that in case of difficulty, the petitioner may be granted liberty to revive the petition. Mr. Pathak, learned counsel has fairly stated that though the petitioner No.1 is otherwise entitled for time scale immediately after 3 years, but he is not pressing for this relief. Without going into the merits of this submission, I am not inclined to observe either way.

4. It is ordered accordingly. The petition is partly allowed. Rule issued earlier is made absolute to that extent qua petitioners No.1 and 3. The petition qua the petitioner No.2 automatically goes as the same has become infructuous. There shall be no orders as to costs.

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